

S/N 10/516,753

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	HANNOUFA et al.	Examiner:	BRENT T. PAGE
Serial No.:	10/516,753	Group Art Unit:	1638
Filed:	December 3, 2004	Docket No.:	00270.0078USWO
Confirmation No.:	2784		
Title:	REGULATION OF GENE EXPRESSION USING CHROMATIN REMODELLING FACTORS		

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is being submitted in response to the Restriction Requirement Office Action mailed October 9, 2007, the time for response extended three months to February 9, 2008.

The Office Action alleges restriction is required under 35 U.S.C. § 121 and 372. The Office Action, however, does not provide a listing of inventions or groups of inventions that are not linked under PCT Rule 13.1 so as to form a single general inventive concept. Therefore, it is unclear as to how the claims are being restricted and grouped.

The paragraph at the bottom of page 2 of the Office Action and the first paragraph on page 3 of the Office Action require election of a single nucleotide sequence representing Applicants' invention. Without acquiescing to the statements made in the Office Action, Applicants elect the nucleotide sequence encoding bnKCP1 with traverse.

The technical feature that links that claims together is not a specific nucleotide sequence, but the combination of an operator linked to a nucleotide sequence of interest (the first nucleotide sequence) combined with a second nucleotide sequence encoding a fusion protein (DNA binding protein that binds the operator sequence fused to a recruitment factor). Verdin et al. (PG PUBS US20030143712) does not teach or suggest such a combination. Verdin et al.

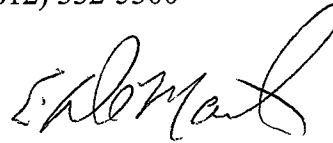
only discloses a species of the second nucleotide sequence. Therefore, the Office Action has not provided any evidence that supports lack of unity of invention or demonstrates that the claims are not linked by a special technical feature.

If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number. Please charge any additional fees or credit any overpayment to Merchant & Gould P.C., Deposit Account No. 13-2725.

Respectfully submitted,

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Date: February 11, 2008



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EED:kf